

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RAUL MONTES,	)	
Petitioner,	)	
	)	C.A. No. 04-11748-JLT
v.	)	
	)	
IMMIGRATION AND NATURALIZATION,	)	
SERVICE	)	
Respondent.	)	

MEMORANDUM AND ORDER

Now before the Court is petitioner's pro se petition for writ of habeas corpus. For the reasons set forth below, Mr. Montes shall either pay the \$5.00 filing fee for filing a habeas action or file an Application to Proceed Without Prepayment of Fees.

DISCUSSION

On August 6, 2004, Raul Montes filed his self-prepared pleading titled "Writ of Habeas Corpus and stay of deportation Pursuant to 28 USC 2241." Mr. Montes did not pay the \$5.00 filing fee for this action.

A party filing a civil complaint or habeas petition in this Court must either (1) pay the applicable filing fee or (2) file an Application to Proceed Without Prepayment of Filing Fees and Affidavit (the "Application"). See 28 U.S.C. 1914(a) (\$5.00 filing fee for habeas petitions; \$150.00 filing fee for civil complaints); 28 U.S.C. 1915 (proceedings in forma pauperis).

Petitioner has not paid the filing fee and has not submitted a request to have the filing fee waived. Therefore, he will be granted additional time to pay the applicable fee or submit an Application to Proceed Without Prepayment of Fees.

ORDER

ACCORDINGLY, it is hereby ORDERED that Mr. Montes shall, within twenty-one (21) days of the date of this Memorandum and Order, either pay the \$5.00 filing fee or file an Application to Proceed Without Prepayment of Fees. Failure to do so will subject this action to dismissal.

The Clerk shall send Mr. Montes with a copy of this Memorandum and Order an Application to Proceed Without Prepayment of Fees.

Dated at Boston, Massachusetts, this 12th day of August, 2004.

/s/ Joseph L. Tauro

JOSEPH L. TAURO  
UNITED STATES DISTRICT JUDGE